

ESTTA Tracking number: **ESTTA682629**

Filing date: **07/09/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	W. L. Gore & Associates, Inc.
Granted to Date of previous extension	07/12/2015
Address	555 Paper Mill Road Newark, DE 19711 UNITED STATES
Correspondence information	Laura Mack Attorney W. L. Gore & Associates, Inc. 555 Paper Mill Road Newark, DE 19711 UNITED STATES djohns@wlgore.com Phone:928-699-3012

Applicant Information

Application No	86193893	Publication date	01/13/2015
Opposition Filing Date	07/09/2015	Opposition Period Ends	07/12/2015
Applicant	Johnson & Johnson One Johnson & Johnson Plaza New Brunswick, NJ 089337001 UNITED STATES		

Goods/Services Affected by Opposition

Class 005. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Medicated ingredients sold as an integral component of medicated skincare preparations and medicated personal care preparations, namely, cosmetic preparations for face and body care, sun care preparations, hair care preparations

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	1977148	Application Date	02/25/1994
Registration Date	05/28/1996	Foreign Priority Date	NONE
Word Mark	MYCROMESH		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 010. First use: First Use: 1993/11/18 First Use In Commerce: 1993/11/18 expanded polytetrafluoroethylene in theform of sheets, patches, and membranes for use in the reconstruction and/or repair of body parts

Attachments	MYCROMESH Opposition Statement.pdf(481424 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

Signature	/laura p mack/
Name	Laura P Mack
Date	07/09/2015

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK
TRIAL AND APPEAL BOARD**

In the matter of trademark application Serial No. 86193893

For a Figurative Mark Published in the Official Bulletin on January 13, 2015

W.L. Gore & Associates, Inc. (Opposer)

v.

Johnson & Johnson. (Applicant)

NOTICE OF OPPOSITION

This opposition is being brought by W.L. Gore & Associates, Inc., a Delaware corporation, with a principle address at 555 Paper Mill Road, Newark, DE 19711 ("Opposer").

The above-identified Opposer believes that it will be damaged by registration of the mark shown in the above-identified application, and hereby opposes the same.

The grounds for opposition are as follows:

1. Since at least November 18, 1993 Opposer has used the mark MYCROMESH in conjunction with the promotion and sale of implantable medical devices, and particularly Expanded polytetrafluoroethylene in the form of sheets, patches, and membranes for use in the reconstruction and/or repair of body parts, all in International Class 10. Opposer's use and promotion of its MYCROMESH mark has been extensive both in the United States and overseas.
2. Opposer is the owner of the following U.S. Registration in International Class 10 for the mark MYCROMESH:

Mark	Registration No.	Date of Registration	Description of Goods
MYCROMESH	1,977,148	May 28, 1996	Expanded polytetrafluoroethylene in the form of sheets, patches, and membranes for use in the reconstruction and/or repair of body parts

3. In the present application applicant seeks registration of the mark MICROMESH in International Class 5 for the following goods: "Medical ingredients sold as an integral component of medicated skincare preparations and medicated personal care preparations, namely, cosmetic preparations for face and body care, sun care preparations, hair care preparations."
4. Given the similarity of the marks, the description of goods, and the channels of trade for their respective products, there is a likelihood of confusion between Opposer's registration for its MYCROMESH mark as applied to its described goods and the goods in International Class 5 for which applicant seeks registration.
5. As such, Applicant's mark so resembles a mark registered in the Office, or a mark or trade name previously used in the United States by another and not abandoned, as to be likely, when used on or in connection with the goods or services of the defendant, to cause confusion, or to cause mistake, or to deceive in violation of Trademark Act § 2(d), 15 U.S.C. §1052(d).
6. Opposer has standing to oppose the present application pursuant to 15 U.S.C. §1063 and 37 C.F.R. §2.101 as Opposer believes it would be damaged by the registration of the mark of the present application.